



M O N T A N A
C O A L I T I O N A G A I N S T
D O M E S T I C A N D S E X U A L
V I O L E N C E

TO: Senate Judiciary Committee
FROM: Kelsen Young, Executive Director
Montana Coalition Against Domestic and Sexual Violence
DATE: February 20th, 2007
RE: SB 454 – Revise and Change Penalties for Hate Crimes

SENATE JUDICIARY

Exhibit No. 4
Date 2-20-07
Bill No. SB 454

Good morning, Mr. Chairman and members of the committee. My name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. Our member programs serving victims of domestic and sexual violence across the state urge you to support Senate Bill 454. I will be providing testimony specific to the issue of including gender, but would also like to make clear that we support the inclusion of sexual orientation and disability as well.

Gender-based crimes, like other hate crimes, have a significant psychological and emotional impact which extends beyond the original victim of the crime. In other words, when one woman is assaulted based on her gender, all women are affected and the fear perpetuates. Including gender in the hate crimes statute is important because it sends a message that crimes motivated by gender will not be tolerated in Montana. Currently, 41 states have hate crimes statutes; of the 41, 19 of the states have included gender.

You may ask, "If we include gender in the hate crimes statute, won't all crimes against women (such as sexual assault, domestic violence, etc.) be charged as a hate crime? If so, wouldn't this overwhelm the criminal justice system?" Too be honest, I asked myself the same question. According to my research, the Anti-Defamation League (a leading researcher on the issue of hate crimes) indicates that the inclusion of gender in state statutes has in fact not overwhelmed the reporting system, nor has it distracted the criminal justice system from vigorous action against traditional hate-based crimes. They go on to explain that not all crimes against women are gender-based crimes and prosecutors have discretion in identifying those crimes that should be prosecuted as hate crimes. Finally, they say that there have not been an overwhelming number of gender-based crimes reported as an extension of domestic violence and rape cases.

Another quote I read in my research was "including gender would make enactment of the law too cumbersome, if not entirely impossible, since violent crimes against women are so pervasive". It seems ironic to me that we would not include gender simply because violence towards women is just so rampant. And in fact it is. You've probably all heard the statistics about violence against women: 1 in 3 women will be abused in her lifetime or 1 in 4 women will be sexually assaulted. The numbers can be staggering. I would provide you with the number of gender-based hate crimes nationally, but that data is not collected – it's specifically excluded from the data collected by the FBI.

Violence against women is pervasive and overwhelming and it comes in many forms. What we are asking for in this context is simple. If someone commits a crime against another person, and the intent and motivation of the perpetrator was based on the victim's gender or perceived gender, they should be charged with a hate crime.

We would appreciate your serious consideration of these issues and ask that you support SB 454. Thank you.

Post Office Box 818
Helena, Montana 59624
406.443.7794
FAX: 406.443.7818
mcadsv@mt.net
www.mcadsv.com